

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOHNNIE DEMOND JACKSON,	:	
	:	
Plaintiff,	:	
v.	:	Case No. 5:23-CV-333-TES-MSH
	:	
Deputy Warden REGINALD CLARK,	:	
	:	
Defendant.	:	
	:	

ORDER

Plaintiff has filed a proof of service which indicates that a person designated by law to accept service of process on behalf of Defendant Deputy Warden Reginald Clark was served with process by a “professional process server” on November 29, 2023. Summons, ECF No. 16; Affidavit, ECF No. 17. Specifically, a “gate officer” was the person allegedly designated by law to accept service of process on behalf of Defendant. Summons, ECF No. 16.

Service of process is necessary for any action to be brought in federal court because “a court lacks jurisdiction over the person of a defendant when that defendant has not been served.” *Garvich v. Georgia*, No. 21-10679, 2022 WL 1531701, at *1 (11th Cir. 2022) (per curiam) (citing *Hemispherx Biopharma, Inc. v. Johannesburg Consol. Invs.*, 553 F.3d 1351, 1360 (11th Cir. 2008)). If a federal “defendant challenges service of process, the plaintiff bears the burden of establishing its validity.” *Id.* (citing *Aetna Bus. Credit, Inc. v. Universal Decor & Interior Design, Inc.*, 635 F.2d 434, 435 (5th Cir. 1981)). “[A]ctual notice is not sufficient to cure defectively executed service.” *Id.* (citing *Albra v. Advan*,

Inc., 490 F.3d 826, 829 (11th Cir. 2007) (per curiam)). Under Georgia law, an individual defendant must be served, in relevant part, “by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.” O.C.G.A. § 9-11-4(e)(7).

It is not clear to the Court that a gate officer is “an agent authorized by appointment or by law to receive service of process” on behalf of Defendant, the Deputy Warden of Baldwin State Prison. Accordingly, Plaintiff is **ORDERED and DIRECTED** to file proof that the gate agent alleged to have accepted service of process on behalf of Defendant is “an agent authorized by appointment or by law to receive service of process” to do so. The Clerk is also **DIRECTED** to serve a copy of this Order upon Defendant at Baldwin State Prison, and upon the Attorney General for the State of Georgia.

SO ORDERED and DIRECTED, this 17th day of January, 2024.

/s/ Stephen Hyles

UNITED STATES MAGISTRATE JUDGE